



State of California  
Edmund G. Brown Jr., Governor

**Agenda Item 13  
August 9, 2018**

**Review, Discussion, and Possible Action to Establish a Special Committee of the Board to Discuss Opening the Chiropractic Initiative Act of 1922**

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**Purpose of the item**

The Board will discuss the possible establishment of a committee to discuss opening the Chiropractic Initiative Act (Act).

**Action(s) requested**

N/A

**Background**

At the June 5, 2018 Board meeting, Mr. Ruffino requested a future agenda item on the establishment of a special committee to discuss opening the Chiropractic Initiative Act of 1922.

**Brief History of the Chiropractic Initiative Act**

On November 7, 1922, the voters of California approved an initiative measure that authorized the practice of chiropractic in California and created the State Board of Chiropractic Examiners to regulate the practice of chiropractic.

Because the Act is an initiative statute with no provision for its amendment by the Legislature, the California Constitution requires that it be amended only by another statute approved by the voters of California.

The Act has been amended numerous times through various legislative initiatives. The Legislature has the authority to place an initiative on the ballot for direct voting by the electorate. The measure must pass by a simple majority in both houses and must be signed by the Governor, prior to its inclusion on a ballot for voters.

**Examples of previous amendments to the Act include:**

- Proposition 11 (1970), which authorized the Board to adopt, amend and repeal specified rules and regulations governing the chiropractic practice;



State of California  
Edmund G. Brown Jr., Governor

- Proposition 15 (1976), which provided for the addition of two public members to the Board and required major changes to licensing requirements;
- Proposition 4 (1978), which modified requirements and procedures for approval of chiropractic schools and expanded grounds of denial, suspension or revocation of licensure.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- The Chiropractic Initiative Act of California

# THE CHIROPRACTIC INITIATIVE ACT OF CALIFORNIA

Initiative measure approved by the electors  
November 7, 1922, effective December 21, 1922.

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

This act cannot be codified by the Legislature because of the constitutional limitations on the powers of the Legislature with reference to them.

*The people of the state of California do enact as follows:*

## **§ 1. Board of examiners, membership, appointment, qualifications, per diem expenses**

A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board. The board shall consist of seven members appointed by the Governor. Each member shall be a citizen of the United States and shall have been a resident of California for five years. Two members shall be public members. Each licensee member shall have had at least five years of licensure in this state prior to appointment. Each licensee member must have pursued a resident course in an approved chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the state. And no person who is or within one year of the proposed appointment has been an administrator, policy board members, or paid employee of any chiropractic school or college shall be eligible for appointment to the board. Each member of the board shall receive a per diem in the amount provided in Section 103 of the Business and Professions Code for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary travel expenses incurred in connection with the performance of the duties of his office, such per diem, travel expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the state's taxes.

(Initiative Measure, Stats. 1923, p. 1xxxviii, § 1. Amended by Stats. 1959, c. 1768, p. 4252, § 1; Stats. 1961, c. 706, p. 1948, § 1; Stats. 1971, c. 1755, p. 3785, § 2; Stats. 1976, c. 263, p. 547, § 1.)

## **§ 2. Board of examiners, terms, removal of members**

The Governor shall appoint the members of the board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs. No person shall serve more than two consecutive terms on the board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 2. Amended by Stats. 1971, c. 1755, p. 3785, § 3.)

## **§ 3. Organization; executive officer; quorum; vote required; records**

The board shall elect a chairman and vice chairman and a secretary to be chosen from the members of the board. The board shall employ an executive officer and fix his salary with the approval of the Director of Finance. Elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

Chiropractic Initiative Act  
Board of Chiropractic Examiners

It shall require the affirmative vote of four members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The executive officer shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor or his designee, a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 3. Amended by Stats. 1947, c. 151, p. 677, § 1, adopted Nov. 2, 1948; Stats. 1971, c. 1755, p. 3785, § 4.; Stats. 1976, c. 263, p. 548, § 2.)

**§ 4. Powers of board**

The board shall have power:

- (a) To adopt a seal, which shall be affixed to all licenses issued by the board.
- (b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Such rules and regulations shall be adopted, amended, repealed and established in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.
- (c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.
- (d) To summon witnesses and take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.
- (e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.
- (f) To determine minimum requirements for teachers in chiropractic schools and colleges.
- (g) To approve chiropractic schools and colleges whose graduates may apply for licenses in this state. The following shall be eligible for approval:
  - (1) Any chiropractic school or college having status with the accrediting agency and meeting the requirements of Section 5 of this act and the rules and regulations adopted by the board.
  - (2) Any chiropractic school or college initially commencing instruction prior to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the accrediting agency within a time period commencing on the effective date of this provision and ending March 1, 1980.
  - (3) Any chiropractic school or college initially commencing instruction subsequent to the effective date of the amendments to this section approved by the electors at the November, 1976, general election, provided such school or college meets the requirements of Section 5 of this act and the rules and regulations adopted by the board and provided such school or college attains status with the

Chiropractic Initiative Act  
Board of Chiropractic Examiners

accrediting agency within a time period not exceeding three years following such commencement of instruction.

Upon submission of evidence satisfactory to the board that the accrediting agency has unreasonably denied status to a chiropractic school or college approved under paragraph (2) or (3) of this subdivision by not considering the application for status submitted by that school or college in a timely manner, by denying the application for status submitted by that school or college without good cause, or by imposing arbitrary and capricious additional requirements upon that school or college as conditions for the attainment of status, the board shall grant an extension of the time period for the attainment of status specified in the paragraph under which that school or college is approved, as it applies to that school or college, of at least six months but no more than one year. Prior to the expiration of such extension or of any additional extension the board grants, the board shall determine whether that school or college has been unreasonably denied status by the accrediting agency for any of the reasons specified in the immediately preceding sentence during the extension. Should the board determine such unreasonable denial of status during the extension has occurred, the board shall grant an additional extension of the time period for the attainment of status, as it applies to that school or college, of at least six months but no more than one year.

As used in this section, “accrediting agency” means (1) the Accrediting Commission of the Council on Chiropractic Education, other chiropractic school and college accrediting agencies as may be recognized by the United States Commissioner of Education, or chiropractic school and college accrediting agencies employing equivalent standards for accreditation as determined by the board, (2) in the event such commission ceases to exist or ceases to be recognized by such commissioner, a chiropractic school and college accrediting agency as may be designated by the board or chiropractic school and college accrediting agencies employing equivalent Standards for accreditation as determined by the board, or (3) in the event such commission ceases to exist or ceases to be recognized by such commissioner, no other such accrediting agency is recognized by such commissioner, and no such accrediting agency is acceptable to the board, the board.

As used in this section, “status” means correspondent status, status as a recognized candidate for accreditation, accredited status, or other similar status as may be adopted and used by the accrediting agency.

As used in this section, “in a timely manner” means within the time deadlines as may be established by the accrediting agency for submission of applications, consideration of applications submitted, acceptance or rejection of applications submitted, and other similar functions, as those time deadlines are interpreted by the board.

As used in this section, “without good cause” means not in accordance with rules and regulations that may be established by the accrediting agency as conditions for the attainment of status, as those rules and regulations are interpreted by the board.

As used in this section, “arbitrary and capricious additional requirements” means requirements which may be imposed by the accrediting agency as conditions for the attainment of status during the time period specified for the attainment of status by a chiropractic school or college that, in the board’s judgment, cannot be satisfied within such time period or do not serve to improve the educational standards or quality of such school or college.

(h) The board may employ such investigators, clerical assistants, commissioners on examination and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 4. Amended by Stats. 1947, c. 151, p. 677, § 2, adopted Nov. 2, 1948; Stats. 1970, c. 643, p. 1261, § 1; Stats. 1976, c. 263, p. 548, § 3; Stats. 1978, c. 307, p. 636, § 1.)

Chiropractic Initiative Act  
Board of Chiropractic Examiners

**§ 5. License to Practice: Fee: Educational Requirements**

License to Practice: Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. Each application must be accompanied by a licensee fee of not more than one hundred dollars (\$100), as determined by the board. Except in the cases herein otherwise prescribed, each applicant shall present to the board at the time of making such application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1	Anatomy, including embryology and histology . . . . .	14%
Group 2	Physiology . . . . .	6%
Group 3	Biochemistry and clinical nutrition . . . . .	6%
Group 4	Pathology and bacteriology . . . . .	10%
Group 5	Public health, hygiene and sanitation . . . . .	3%
Group 6	Diagnosis, dermatology, syphilology and geriatrics, and radiological technology, safety, and Interpretation . . . . .	18%
Group 7	Obstetrics and gynecology and pediatrics . . . . .	3%
Group 8	Principles and practice of chiropractic, physical therapy, psychiatry, and office procedures . . . .	25%
	Total . . . . .	85%
Electives . . . . .		15%

Any applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the 1977-1978 Regular Session on the Legislature shall meet all requirements that existed immediately prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 5. Amended by Stats. 1947, c. 151, p. 678, § 3, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 135, § 1; Stats. 1975, c. 771, p. 1791, § 1.

**§ 6. Board of examiners, meetings, offices, examinations**

(a) The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco, and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of the three cities.

(b) The board shall meet as a board of examiners at least twice each calendar year, at such times and places as may be found necessary for the performance of its duties.

Chiropractic Initiative Act  
Board of Chiropractic Examiners

(c) Examinations shall be written, oral, and practical, covering chiropractic as taught in chiropractic schools or colleges, designed to ascertain the fitness of the applicant to practice chiropractic. Said examination shall include at least each of the subjects as set forth in Section 5 hereof. Identity of the applicants shall not be disclosed to the examiners until after examinations have been given final grades. A license shall be granted to any applicant who shall make a general average of 75 percent, and not fall below 60 percent in more than two subjects or branches of the examination and receive a 75 percent score in all parts of the practical examination as designed by the board. Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subject in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of 1 percent on the general average.

(d) An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certificate from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board.

(Initiative Measure, Stats. 1923, p. xc, § 6. Amended by Stats. 1971, c. 1755, p. 3786, § 5; Stats. 1976, c. 263, p. 550, § 5.)

**§ 7. Certificate to practice; issuance; practice authorized**

One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica.

(Initiative Measure, Stats. 1923, p. xc, § 7.)

**§ 8. Blind persons**

No blind person shall be denied admission into any college or school of chiropractic or denied the right to take any examination given by such school or college or denied a diploma or certificate of graduation or a degree or denied admission into any examination for a state license or denied a regular license to practice chiropractic on the ground that he is blind.

(Formerly § 1000-8.1, added by Stats. 1949, c. 500, p. 859, § 1, adopted Nov. 7, 1950. Renumbered § 1000-8 and amended by Stats. 1971, c. 1755, p. 3787, § 7.)

**§ 9. Issuance of licenses to licensees of other states**

Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the fee specified in Section 5, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

The applicant shall also provide a certificate from the other state stating that he was licensed by that state, that he has not been convicted of unprofessional conduct, and that there is no charge of unprofessional conduct pending against him.

(Initiative Measure, Stats. 1923, p. xc, § 9. Amended by Stats. 1960, c. 14, p. 136, § 2, adopted Nov. 8, 1960. Amended by Stats. 1971, c. 1755, p. 3787, § 8.)

Chiropractic Initiative Act  
Board of Chiropractic Examiners

**§ 10. Rules of professional conduct; denial, suspension or revocation of license; reissuance**

(a) The board may by rule or regulation adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of professional service and the protection of the public. Such rules or regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(b) The board may refuse to grant, or may suspend or revoke, a license to practice chiropractic in this state, or may place the licensee upon probation or issue a reprimand to him, for violation of the rules and regulations adopted by the board in accordance with this act, or for any cause specified in this act, including, but not limited to: The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; a plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense substantially related to the practice of chiropractic; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. The proceedings for the refusal to grant, suspension or revocation of a license upon any of the foregoing grounds shall be conducted in accordance with chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the \_\_\_\_\_ day of \_\_\_\_\_," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(c) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the fee specified in Section 5 upon the issuance of a new license.

(Initiative Measure, Stats. 1923, p. xci, § 10. Amended by Stats. 1947, c. 151, p. 679, § 4, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 136, § 3, adopted Nov. 8, 1960; Stats. 1970, c. 643, p. 1261, § 2; Stats. 1978, c. 307, p. 640, § 3.)

**§ 11. Repealed by Stats. 1971, c. 1755, p. 3787, § 9**

**Historical and Statutory Notes**

The repeal of Initiative Measure, Stats. 1923, p. xci, § 11, approved by the electors Nov. 7, 1922, was approved by the electors at the election held June 6, 1972.



Chiropractic Initiative Act  
Board of Chiropractic Examiners

The repealed section required recordation of licenses and required a list of licensees be kept by the county clerk, which list was to be open to public inspection.

**§ 12. Renewal fee**

Licenses issued under the provisions of this section expire at 12 midnight on the last day of the month of birth of licentiates of the board.

On or before July 1, 1991, the board shall establish regulations for the administration of a birth month renewal program. Each person practicing chiropractic within this state shall, on or before the last day of their month of birth of each year, after a license is issued to them as herein provided, pay to the Board of Chiropractic Examiners a renewal fee of two hundred fifty dollars (\$250). The secretary shall mail to all licensed chiropractors in this state, on or before 60 days prior to the last day of the month of their birth each year, a notice that the renewal fee will be due on or before the last day of the month of their birth next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay the annual fee during the time their license remains in force shall, after a period of 60 days from the last day of the month of their birth automatically work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed except that a licentiate who fails, refuses or neglects to pay the annual tax within a period of 60 days after the last day of the month of his or her birth of each year shall not be required to submit to an examination for the reissuance of the certificate.

(Initiative Measure, Stats. 1923, p. xcii, § 12. Amended by Stats. 1947, c. 151, p. 680, § 5, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 137, § 4, adopted Nov. 8, 1960; Stats. 1975, c. 771, p. 1792, § 2, eff. Sept. 16, 1975; Stats. 1978, c. 306, p. 635, § 2, eff. June 29, 1978; Stats. 1983, c. 533, § 2, eff. July 28, 1983; Stats. 1988, c. 1094, § 1, approved by voters, Prop 113, effective June 6, 1990; Stats 2010 ch 539 § 1 (AB 1996), effective January 1, 2011.

**§ 12.5. Authority of legislature to fix fees payable by applicants and licensees and per diem compensation of Board of Chiropractic**

The Legislature may by law fix the amounts of the fees payable by applicants and licensees and the amount of the per diem compensation payable to members of the board.

(Added by Stats. 1959, c. 1768, p. 4253, § 2.)

**§ 13. Health regulations, death certificates, reports**

Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and made reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made.

(Initiative Measure, Stats. 1923, p. xcii, § 13.)

**§ 14. Receipts; deposit; monthly report; state board of chiropractic examiners' fund; use**

The executive officer shall at the end of each month report to the State Controller the total amount of money received by the board from all sources, and shall deposit with the State Treasurer the entire amount of such receipts, and the State Treasurer shall place the money so received in a special fund, to be known as the "State Board of Chiropractic Examiners' Fund". Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.

(Initiative Measure, Stats. 1923, p. xcii, § 14. Amended by Stats. 1971, c. 1755, p. 3787, § 10.)

Chiropractic Initiative Act  
Board of Chiropractic Examiners

**§ 15. Noncompliance with and violations of act**

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title “chiropractor” or “D.C.” or any word or title to induce, or tending to induce belief that he or she is engaged in the practice or chiropractic, without first complying with the provisions of this act; “(or any licensee under this act who uses the word “doctor” or the prefix “Dr.” without the word “chiropractor,” or “D.C.” immediately following his or her name) or the use of the letters “M.D.” or the words “doctor of medicine,” or the term “surgeon,” or the term “physician,” or the word “osteopath,” or the letters “D.O.” or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he or she held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than seven hundred fifty dollars (\$750), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.

(Initiative Measure, Stats. 1923, p. xcii, § 15. Amended by Stats. 1988, c. 1094, § 2.)

**§ 16. Exceptions to application of act; construction of act**

Nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of chiropractic, nor shall this act apply to any chiropractor from any other state or territory who is actually consulting with a licensed chiropractor in this state; provided, that such consulting chiropractor shall not open an office or appoint a place to receive patients within the limits of the state; nor shall this act be construed so as to discriminate against any particular school of chiropractic, or any other treatment; nor to regulate, prohibit or apply to any kind of treatment by prayer; nor to interfere in any way with the practice of religion. Nor shall this act apply to persons who are licensed under other acts.

(Initiative Measure, Stats. 1923, p. xcii, § 16.)

**§ 17. Enforcement of act**

It shall be the duty of the board to aid attorneys and law enforcement agencies in the enforcement of this act.

(Initiative Measure, Stats. 1923, p. xciii, § 17. Amended by Stats. 1971, c. 1755, p. 3787, § 11.)

**§ 1000-18. Repeal of conflicting provisions in medical practice act**

Nothing herein shall be construed as repealing the “medical practice act” of June 2, 1913, or any subsequent amendments thereof, except in so far as that act or said amendments may conflict with the provisions of this act as applied to persons licensed under this act, to which extent any and all acts or parts of acts in conflict herewith are hereby repealed.

(Initiative Measure, Stats. 1923, p. xciii, § 18.)

**§ 19. Severability**

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The electors hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Initiative Measure, Stats. 1923, p. xciii, § 19.)

Chiropractic Initiative Act  
Board of Chiropractic Examiners

**§ 20. Intent of the amendments approved by the electors at the November 1978, general election**

Intent of the amendments approved by the electors at the November 1978, general election. In approving the amendments to this act submitted to the electors at the November 1978, general election, it is the intent of the people of the State of California to respond to a decision of the Superior Court of the County of Los Angeles which held that the board's interpretation of the amendments to this act approved by the electors at the November 1976, general election did not reasonably provide adequate opportunity for two chiropractic colleges then instructing students in California to apply for an obtain status as Recognized Candidates for Accreditation by the Accrediting Commission of the Council on Chiropractic Education. The people deem the amendments to the act approved by the electors at the November 1978, general election to reasonably provide adequate opportunity for the two chiropractic colleges which were the subject of the aforementioned decision, other chiropractic schools and colleges instructing students as of the effective date of the amendments to this act approved by the elector sat the November 1976, general election, and chiropractic schools and colleges which may be established and commence instruction following the effective date of the amendments to this act approved by the electors at the November 1976, general election, to attain status with the accrediting agency, as those terms are defined in subdivision (g) of Section 4. All courts shall be guided by this statement of intent in any decisions they may render relative to this act, but nothing in this act shall be construed to proscribe judicial review of any actions of the board relative to the administration and enforcement of this act.

(Added by Stats. 1978, c. 307, p. 641, § 4.)



**Agenda Item #14**  
**August 9, 2018**

**Review, Discussion and Possible Action Regarding Procedures to Elect Board Officers**

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**Purpose of the item**

The Board will review possible options for consideration of a new procedure to elect Board Officers.

**Action(s) requested**

No action required

**Background**

At the February 24, 2018 Board meeting, members expressed frustration with the enumerated process chosen to elect officers in January 2018. Due to the confusion and concern with the process, staff completed a survey of DCA programs to determine best practices for electing Board Officers. After a comprehensive review of over ten programs, staff develop a recommendation for Board to review.

At the May 21, 2018 meeting, the Government & Public Affairs Committee reviewed and discussed the staff recommended procedure and approved it for Board consideration.

June 5, 2018, without all members present to participate in the discussion, the Board tabled the discussion of this topic until the August Board meeting.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Election of Officers policy options
- Election of Officers staff recommendation

## Board of Chiropractic Examiners

### Optional Procedures for Nominating and Electing Board Officers

#### 1) Nomination/Voting Sequence:

- a) Nominations for all offices conclude before any voting begins<sup>i</sup>.
- b) Nominations for each office are followed by the voting for that office.

#### 2) Nomination Procedure<sup>ii</sup>:

- a) By roll call at the January Board Meeting
- b) By roll call at the last Board Meeting of the prior calendar year
- c) By ballot at the January Board Meeting
- d) By ballot at the last Board Meeting of the prior calendar year
- e) By opening the floor and allowing nominations to be made without a motion, second, or roll call
- f) By mail/email to the Executive Officer or Legal Counsel by a pre-determined date.

#### 3) Determining Nominees:

- a) Only Self Nominations<sup>iii</sup>
- b) Only nominations by another Member
- c) Either of the above.

#### 4) Voting Procedures (*Voting must take place at the January Board Meeting*):

- a) Vote by Roll Call: EO or Legal Counsel would state the names of the nominees for the office and then call the roll. Members would state the name of the nominee they're voting for.<sup>iv</sup>
- b) Vote by Ballot – (*If nominations for all office conclude before voting begins*): Members would receive a ballot listing all officer positions followed by the nominees for each office. Once completed, the ballots would be collected and handed to the EO or Legal Counsel, who would read the votes out loud.
- c) Vote by Ballot – (*If nominations for each office are followed by the vote for that office<sup>v</sup>*): Once the nominees for a given office have been determined, Members will receive a Ballot for that office and a space to write in the name of the nominee they're voting for. Ballots would be collected and handed to the EO or Legal Counsel, who would read the voted out loud.

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<sup>i</sup> This option potentially disadvantages a candidate who loses an election for a position voted on earlier unless they're nominated for more than one office. The Board can allow a member to be nominated for multiple offices and, if that member is elected to the Chair or Vice Chair position he/she could waive nomination(s) for subsequent offices.

<sup>ii</sup> If option a) is selected in Scenario #1, Options for Scenario #2 will be limited to a), c) or e).

<sup>iii</sup> Self-nomination:

- Ensures that only Members who have an interest in serving will be considered for a given position.
- Prevents one member from exercising influence over the others based on who that member nominated.
- Avoids the potential of conclusions being drawn based on who received the most nominations.

<sup>iv</sup> Board may want to predetermine the order of the roll call (e.g., alphabetical, chair votes last, etc.)

<sup>v</sup> This option would necessitate nominations being made at the January meeting.

## Board of Chiropractic Examiners

### Staff Recommended Procedure for Nominating and Electing Board Officers

#### Staff Recommendation:

Members have been presented with variables to consider when adopting procedures for the Nomination and Selection of Board Officers. After considering all of the variables, individually and in combination, Staff recommends the following:

- Nominations and Elections should both occur at the January Meeting each year.
- Nominations for each office should be immediately followed by the voting for that office.
- Members should nominate themselves for a position they have interest in. Nomination by peer should not be an option as it potentially influences the vote of other members. Also, nomination by peer may result in someone with no interest in holding an office being considered for that office.
- After Members have been provided opportunity to nominate themselves for a position, each individual should have the opportunity to provide brief remarks explaining their interest in the position.
- Following Board Member remarks, the nomination process should be closed, and each member should receive a personal ballot upon which to name the nominee of their choice. Members can choose to abstain if they prefer to not vote for any of the nominees.
- Ballots would be collected and handed to either the EO or Legal Counsel, who would read the name of each member and their choice of nominees. Votes would be tallied, and the winner announced. Voting by ballot, while not confidential, facilitates free expression by waiting until all votes have been cast prior to announcing each Board Member's vote
- Once selection of Chair is complete, the process would repeat for Vice Chair, and then Secretary.



**Agenda Item 15  
August 9, 2018**

**Review, Discussion, and Possible Action on Changes to the Board Member  
Administrative Procedure Manual**

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**Purpose of the item**

The Board will review the most recent changes to the Board Member Administrative Procedures Manual (BMAPM).

**Action(s) requested**

The Board will be asked to approve the most recent proposed changes to the BMAPM.

**Background**

Annually, the Board completes a comprehensive review of the Board Member Administrative Procedure Manual (BMAPM).

**Board Member Administrative Procedure Manual (BMAPM)**

The BCE Administrative Procedure Manual was created to serve as a reference guide regarding the function of the BCE and its committees, roles of board members, and procedures for board and committee meetings. The Administrative Procedure Manual also provides general information regarding board operating procedures, administration and staff, and other policies and procedures.

At the May 21, 2018 Committee meeting, members discussed and approved the inclusion of sections into the BMAPM referring to the role of Board Officers, Bagley-Keene Open Meetings Act, periodic fee audits, and clarification regarding when strategic planning should take place.

At the June 5, 2018 Board meeting, the Board was unable to complete a comprehensive discussion on changes to the manual. Following a brief discussion, the Board decided that additional time was necessary to submit changes for inclusion in the BMAPM. All changes would be captured by staff and presented at the August 9, 2018 Board Meeting.



State of California  
Edmund G. Brown Jr., Governor

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Board Member Administrative Procedure Manual



# State of California

## BOARD OF CHIROPRACTIC EXAMINERS BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Adopted October 2007  
Revised August 2018



Edmund G. Brown Jr., Governor  
*State of California*

### MISSION STATEMENT

To protect the health, welfare, and safety of the public through licensure, education and enforcement in chiropractic care.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## **Members of the Board**

Heather Dehn, D.C., Chair  
Corey Lichtman, D.C., Vice Chair  
Sergio Azzolino, D.C., Secretary  
Frank Ruffino,  
Dionne McClain, D.C.  
Thyonne Gordon, Ph.D.

## **Executive Officer**

Robert C. Puleo

This procedure manual is a general reference including a review of some important laws, regulations, and these basic Board policies in order to guide the actions of the Board Members and ensure Board effectiveness and efficiency. The Chiropractic Initiative Act of 1922 (the Act) will be referenced and summarized throughout this procedure manual.

This Administrative Procedure Manual, regarding Board Policy, can be amended by four affirmative votes of any current or future Board.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## TABLE OF CONTENTS

<b>CHAPTER 1. Introduction</b>	<b><u>Page</u></b>
Overview.....	5
State of California Acronyms.....	5
General Rules of Conduct.....	6
<b>CHAPTER 2. Board Members &amp; Meeting Procedures</b>	
Membership.....	8
<u>Role of Board Officers.....</u>	<u>8</u>
Board Meetings and Offices.....	9
Board Meetings.....	9
Quorum.....	9
Board Member Attendance at Board Meetings.....	10
Public Attendance at Board Meetings.....	10
Agenda Items.....	10
Notice of Meetings.....	10
Notice of Meetings Posted on the Internet.....	11
Board Meeting Locations.....	11
E-Mail Ballots.....	11
<u>Bagley-Keene Open Meetings Act.....</u>	<u>11</u>
Holding Disciplinary Cases for Board Meetings.....	11
Record of Meetings.....	12
Recording.....	12
Meeting Rules.....	13
Public Comment.....	13
<b>CHAPTER 3. Travel &amp; Salary Policies &amp; Procedures</b>	
Travel Approval.....	15
Travel Arrangements.....	15
Out-of-State Travel.....	15
Travel Claims.....	15
Salary Per Diem.....	16
<b>CHAPTER 4. Board Officers &amp; Committees</b>	
Officers of the Board.....	18
Officer Vacancies.....	18
Communication Between Officers.....	18
Committee Appointments.....	18
Standing Committees.....	19
Committee Meetings.....	19
Attendance at Committee Meetings.....	20
<b>CHAPTER 5. General Operation Procedures</b>	
Board Member Addresses.....	21
Board Member Written Correspondence & Mailings.....	21

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Request to Access Licensee or Applicant Records.....	21
Communication with other Organizations & Individuals.....	21
Press Statements and Contacts.....	22
Business Cards.....	22
BCE Identification Cards.....	22
<b>CHAPTER 6. Board Administration &amp; Staff</b>	
Executive Officer.....	23
Executive Officer Evaluation.....	23
Board Administration.....	23
Board Staff.....	23
Board Budget.....	24
Strategic Planning.....	24
<b>CHAPTER 7. Other Policies &amp; Procedures</b>	
Various Other Tasks & Responsibilities.....	25
Board Member Disciplinary Actions.....	25
Terms and Removal of Board Members.....	25
Resignation of Board Members.....	26
Conflict of Interest.....	26
Contact with Licensees and Applicants.....	26
Contact with Respondents.....	26
Service of Legal Documents.....	27
Serving as an Expert Witness.....	27
Request for Grants.....	27
Gifts from Licensees and Applicants.....	28
Ex Parte Communications.....	28
The Honoraria Prohibition.....	29
Board Member Orientation.....	29
Ethics Training.....	30
Sexual Harassment Prevention Training.....	30
Board Member Onboarding and Orientation.....	30
Injury to a Board Member.....	31
Addendums.....	31

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 1. Introduction

### Overview

The Board of Chiropractic Examiners (Board) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922.

The Act states it is... “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith...”

The powers and authority of the Board is specifically defined in Section 4 of the Act. In general, the board is a policy-making and administrative review body comprised pursuant to the provisions of Section 1 to 20 of the Act. The Board, when full, is comprised of seven Members, five professional and two public, each appointed by the Governor. The Board’s paramount purpose is to protect California consumers through the enforcement of the Act, other applicable laws and the California Code of Regulations related to the Practice of Chiropractic, identified herein as the Board’s regulations. The Board is also mandated by the Initiative to supervise licensees, chiropractic colleges, and continuing education for relicensing.

### Acronyms

ALJ	Administrative Law Judge
AG	Office of the Attorney General
APA	Administrative Procedure Act
BCE	Board of Chiropractic Examiners
B&P	Business and Professions Code
CalHR	California Department of Human Resources
CATS	Computer Assisted Testing Service
CCCP	California Code of Civil Procedure
CCR	California Code of Regulations
CE	Continuing Education
CLEAR	Council on Licensure Enforcement & Regulations
DAG	Deputy Attorney General
DCA	Department of Consumer Affairs
DOF	Department of Finance
DOI	Department of Insurance
DWC	Division of Workers Compensation
EO	Executive Officer
FCLB	Federation of Chiropractic Licensing Boards
NBCE	National Board of Chiropractic Examiners
SAM	State Administrative Manual
SCIF	State Compensation Insurance Fund
VCGCB	Victim Compensation and Government Claims Board

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## General Rules of Conduct

All Board Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board serves at the pleasure of the governor, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- ❖ Board Members are part of a state regulatory board and your individual rights to make independent public comments or statements takes a second place to supporting a uniform public presentation of a cohesive board.
- ❖ Board Members shall comply with all provisions of the Bagley-Keene Open Meeting Act and other applicable rules, regulations, codes and laws governing public employees.
- ❖ Board Members shall not speak or act for the Board without proper preauthorization from the Chair and/or EO prior to making any statement or press release. When possible, ~~only the Chair or EO will make public statements or press statements.~~ **the Board should discuss who the most qualified Board Member is to make a statement and/or address an issue.**
- ❖ Board Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, as it pertains to issues related to jurisdiction of the Board, when those views or goals are in direct opposition to an official position adopted by the Board.
- ❖ Board Members shall not accept gifts from applicants, licensees, or members of the profession while serving on the Board. All Fair Political Practices Act Rules shall be followed.
- ❖ Board Members shall maintain the confidentiality of confidential documents and information related to Board business. Always confirm with the EO whether information is public and may be disclosed. The public's access should be from a source other than a BCE Member.
- ❖ Board Members should avoid discussion of confidential Board business with petitioners, licensees or persons not authorized to receive confidential and restricted enforcement information. Failure to do so may result in the Board Member having to recuse him/herself due to conflict of interest issues. All consumers, applicants and licensees with enforcement related questions, concerns or complaints should be referred to the EO or Chair.

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

- ❖ Board Members shall commit adequate time to prepare for their Board responsibilities including the reviewing of Board meeting notes, administrative cases to be reviewed and discussed, and the review of any other materials provided to the Board Members by staff, related to official Board business.
- ❖ Submission of votes have time requirements that are critical to meeting legal timeframe constraints. Board members shall make every attempt to meet the deadlines identified by Board staff and meet the vote submission requirement established by the Board.
- ❖ BCE Members shall submit reimbursement records each month to facilitate timely reimbursement.
- ❖ All travel for Board related business, other than routine Board meetings and Committee Meetings, must be submitted in writing and preapproved by the Chair and EO before travel.
- ❖ Board Members shall recognize the equal role and responsibilities of all other Board Members and interact with one another in a polite and professional manner.
- ❖ Board Members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public and enforcing the Chiropractic Initiative Act.
- ❖ Board Members shall uphold the principle that the Board's primary mission is to protect the public.
- ❖ Board Members shall follow the guidelines set forth in Executive Order 66-2.
- ❖ Board Members shall comply with all State, Department, and Board required trainings.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 2. Board Members & Meeting Procedures

### **Membership** (§1 Initiative Act)

Board Members are appointed and serve in accordance with Section 1 of the Initiative Act.

### **Role of Board Officers** (Board Policy)

#### Board Chair

- **Determines with the consent of the Vice Chair, which Board Members have expertise in respective areas to** ~~Acts act as~~ spokesperson for the Board of Chiropractic Examiners (attends legislative hearings and testifies on behalf of the Board, attends meetings with stakeholders and Legislators on behalf of Board, talks to the media on behalf of the Board, and signs letters on behalf of the Board). **The best qualified Board Member should be assigned the task at hand.**
- Signs letters on behalf of the Board
- Meets and/or communicates with the Executive Officer (EO) **and the Vice Chair (VC)** on a regular basis.
- Provides oversight to the Executive Officer in performance of the EO duties.
- Verifies accuracy and approves timesheets, approves travel and signs travel expense claims for the EO **and Board Members.**
- The Chair shall establish committees, whether standing or special, as he or she deems necessary.
- The composition of the committees and the appointment of the Members shall be determined by the Board Chair. The Chair may consult with the Vice Chair or Secretary and the Executive Officer. All conversations must be consistent with Bagley Keene Open Meeting Act Restrictions which mandate that no more than two Members can actively discuss Board business.
- ~~Coordinates the EO annual evaluation process including contacting DCA-Office of Human Resources to obtain a copy of the Executive Officer-Performance Evaluation Form, distributes the evaluation form to members, and collates the ratings and comments for discussion.~~
- Communicates with other Board Members for Board business in compliance with the Open Meetings Act.
- Approves Board Meeting agendas.
- Chairs and facilitates Board Meetings.
- Signs specified full board enforcement approval orders.
- Establishes **Nominates individuals for committee** and appoints **chair appointments** and members. Or **Establishes Committees and appoints Chairs and members. Along with the VC.**



## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

- Establishes 2-Person committees/subcommittees and/or task forces to research policy questions when necessary. ***Along with the VC and Secretary.***

### Vice Chair

- Is Back-up for the duties above in the Chair's absence
- ***Provides oversight to the Executive Officer in performance of the EO duties.***
- ***Coordinates the EO annual evaluation process including contacting DCA Office of Human Resources to obtain a copy of the Executive Officer Performance Evaluation Form, distributes the evaluation form to members, and collates the ratings and comments for discussion.***
- ***Attends meetings with Legislators and stakeholders on behalf of Board,***
- ***Attends legislative hearings along with the Chair***
- ***Establishes Committees and appoints Chairs and members***
- ***Establishes 2-Person committees/subcommittees and/or task forces to research policy questions when necessary***
- ***Oversee assignment of board members to serve as liaison to the organizations listed in Ch. 7. Other Policies & Procedures***

### Secretary

- Calls the roll at each Board meeting and reports that a quorum has been established
- Calls the roll for each action item
- Approves Board meeting agenda
- ***Assists in establishing committees/subcommittees and notifies members who have been recommended for these.***

### Committee Chair

- Approves Committee agenda
- Chairs and facilitates Committee meeting
- Reports the activities of the Committee to the full Board.

## **Board Meetings and Offices** (§6 Initiative Act)

Board meetings must be consistent with the Initiative Act and follow the terms and provisions of the Bagley-Keene Open Meeting Act.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

### **Board Meetings**

**(Government Code Section 11120 et seq. - Bagley-Keene Open Meeting Act)**

The Board complies with the provisions of the Government Code Section 11120, et seq., commonly referred to the Bagley-Keene Open Meeting Act Robert's Rules of Order, as long as there is no conflict with any superseding codes, laws or regulations.

All Meetings shall follow the provisions of the Bagley-Keene Open Meeting Act.

Any meetings deviating from a standard public meeting may be called, when required, in accordance with the Bagley-Keene Open Meeting Act, Government Code Section 11125.4

Whenever practical and appropriate, the Board should utilize available technology to conduct meetings so as to minimize the time and expenditures associated with staff and Board Member travel as well as the cost of renting meeting space.

### **Quorum**

**(§3 Initiative Act)**

A majority of the Board (four Members) is required to constitute a quorum. The Board shall follow the provisions of §3 of the Initiative Act requiring a quorum of four (4) Members to carry any motion or resolution, to adopt any rule or disciplinary action, or to authorize the issuance of any license provided for within the Act.

### **Board Member Attendance at Board Meetings**

**(Board Policy)**

Being a Member of the Board is a serious commitment of time and effort to the governor, and the people of the State of California. Board Members shall attend a minimum of 75% of all scheduled committee meetings and scheduled Board meetings. In extraordinary circumstances, the Chair may excuse a Board Member from this obligation. If a Member is unable to attend a Board Meeting, he or she must contact the Board Chair or the Executive Officer, and provide a verbal notice followed by a written explanation of their absence as soon as possible thereafter.

### **Public Attendance at Board Meetings**

**(Government Code Section 11120 et seq.)**

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This Act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two Members. It specifies meeting notice, agenda requirements, and prohibits

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

discussing or taking action on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

### **Agenda Items (Board Policy)**

Board Members may submit agenda items for a future Board meeting during the "Future Agenda Items" section of a Board meeting or directly to Executive Officer **and Secretary** 21 days prior to a Board meeting

Agenda item requests shall be placed on the Board or Committee meeting agenda within two meetings from receipt of the original request.

In the event of a conflict in scheduling an agenda topic, the Board Secretary will discuss the proposed agenda item with the Board Chair, and the Board Chair shall make the final decision to schedule the item at the upcoming or following Board Meeting. The Board Secretary will work with the Executive Officer to finalize the agenda.

### **Notice of Meetings (Government Code Section 11120 et seq.)**

Meeting notices, including agendas, for Board meetings will be sent to persons on the Board's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

### **Notice of Meetings Posted on the Internet (Government Code Section 11125 et seq.)**

Meeting notices shall be posted on the Board's web site at least 10 days in advance of the meeting, and include the name, address, and telephone number of staff who can provide further information prior to the meeting.

### **Board Meeting Locations (Board Policy – 2013 Strategic Plan)**

The Board holds meetings at various geographic locations throughout the state to increase accessibility. It is recommended that at least one meeting per year is held in Sacramento, one in Southern California, and one at a California Chiropractic College. All meeting locations will be scheduled subject to available space and budget limitations.

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

### **Bagley-Keene Open Meetings Act** **(Board Policy)**

The Bagley-Keene Open Meeting Act prohibits a majority of the members of the board from discussing, deliberating or taking action on any board business outside of a public meeting of the board. (Gov. Code § 11121.5, subdivision(b)(1).)

If Board Members have concern regarding the nature of a communication, questions should be directed to the Executive Officer or Legal Counsel.

### **E-Mail Ballots** **(Government Code Section 11526 and Board Policy)**

The Board must approve any proposed decision or stipulation before the formal discipline becomes final and the penalty can take effect.

Proposed stipulations and decisions are e-mailed to each Board Member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the e-mail ballot. A two-week deadline generally is given for the e-mail ballots for stipulations and proposed decisions to be completed and returned to the Board's office.

Board Members are required to submit a vote on no less than 75% of proposed stipulations and decisions provided for review. If a Board Member is unable to meet this minimum requirement, the Board Member may be subject to a conversation from the Board Chair or Vice Chair.

### **Holding Disciplinary Cases for Board Meetings** **(Board Policy)**

When voting on e-mail ballots for proposed disciplinary decisions or stipulations, a Board Member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot must be marked "hold for discussion," and the reason for the hold must be provided on the mail e-ballot. This allows staff the opportunity to prepare information being requested.

If one vote is cast to hold a case for discussion, the case is set aside and not processed (even if four votes have been cast on a decision). Instead the case is scheduled for a discussion during a closed session at the next Board meeting.

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

If the Board Member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: \_\_\_\_\_." The Executive Officer will respond directly to the Member. If still unresolved or if the matter is to be referred to the Board, the policy issue will be placed on the agenda for discussion at the next Enforcement Committee Meeting.

Any time a Member votes to "hold for discussion" the Chair, EO and Legal Counsel will discuss the Member's concern(s) for educational purposes and to evaluate if any administrative policy modifications should be proposed.

### **Record of Meetings (Board Policy)**

All original video and audio recordings are to be maintained and archived indefinitely and never destroyed. The typed minutes are only a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board meeting.

Board minutes must be approved or disapproved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting. The minutes of each Board meeting shall be maintained for 27 years per the Board's retention schedule.

### **Recording (Government Code Section 11124.1(b))**

The meeting may be audio and video recorded by the public or any other entity in accordance with the Bagley-Keene Open Meeting Act, the members of the public may tape record, videotape or otherwise record a meeting unless they are disruptive to the meeting and the Chair has specifically warned them of their being disruptive, then the Chair may order that their activities be ceased.

The Board may place audio and video recorded public board meetings on its web site at [www.chiro.ca.gov](http://www.chiro.ca.gov).

### **Meeting Rules (Board Policy)**

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order are clarified by the Board's legal counsel.

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

### Public Comment (Board Policy)

Public comment is always encouraged and allowed, however, if time constraints mandate, time limits may be imposed at the discretion of the Chair. Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with any information regarding matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person must be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation or involve a pending administrative or criminal action, the Board will address the matter as follows:
  - a. Where the allegation involves errors of procedure or protocol, the Board may designate either its Executive Officer or a Board employee to review whether the proper procedure or protocol was followed and to report back to the Board.
  - b. Where the allegation involves significant staff misconduct, the Board shall direct the Executive Officer to review the allegation and to report back to the Board.
3. The Board may deny a person the right to address the Board and have the person removed if such person becomes disruptive at the Board meeting. The Board accepts the conditions established in the Bagley-Keene Open Meeting Act and appreciates that at times the public may disapprove, reprimand, or otherwise present an emotional presentation to the Board, and it is the Board's duty and obligation to allow that public comment, as provided by law.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## **CHAPTER 3. Travel & Salary Policies & Procedures**

Board related travel incurs additional expenses and potential liabilities. The State incurs liability risk any time a Board member travels to represent the BCE, regardless of whether the Board member pays for their own travel expenses. Board members must complete the appropriate paperwork and follow established policies and procedures for timely reimbursement of travel claims.

### **Travel Approval (Board Policy)**

Travel arrangements for regularly scheduled Board meetings and committee meetings do not require prior approval. Any other Board related travel requires preapproval by the Board Chair and Executive Officer. Expenses and per diem reimbursement are provided to Board members in accordance with established State travel reimbursement rules.

### **Travel Arrangements (Board Policy)**

Board Members who prefer to make their own travel arrangements are encouraged to coordinate with the Staff Travel Liaison on lodging accommodations. You need to obtain an original receipt to submit for reimbursement. Always seek hotels that charge the state rate. Preauthorization is required if the state rate is to be exceeded.

### **Out-of-State Travel (SAM Section 700 et seq.)**

Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. Permission for out-of-state travel must be obtained through the Executive Officer. Individual Board Members can not authorize out-of-state travel. Board Members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Keep all original receipts and submit with your travel expense claim.

### **Travel Claims (SAM Section 700 et seq.)**

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Board Liaison maintains these forms and completes them as needed.

The Executive Officer's travel and per diem reimbursement claims shall be submitted to the Board Chair for approval.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than thirty days following the trip.

### **Salary Per Diem**

**(§1 Initiative Act and B&P Code Section 103)**

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by the B&P Code Section 103. Board Members are paid out of the funds of the Board, as provided for within the Chiropractic Initiative Act.

### **Salary Per Diem**

**(Board Policy)**

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. A salary per diem or reimbursement for travel-related expenses shall be paid to Board Members for attendance at official Board or committee meetings.

Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings shall be approved by the Board Chair & Executive Officer prior to the Board Member's travel and attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned.

2. For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board Chair. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, such as the FCLB, NBCE, CE, Ambassador at Large, Lectures, etc.. Work also includes preparation time for Board or committee meetings and reading and deliberating mail ballots for disciplinary actions.
3. Reimbursable work does not include miscellaneous reading and information gathering unrelated to Board business and not related to any meeting, preparation time for a presentation and participation at meetings not related to official participation of the Members duties with the Board.
4. Board Members may participate on their own (i.e., as a citizen or professional) at an event or meeting but not as an official Board representative unless approved in writing by the Chair. Requests must



## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

be submitted in writing to the Chair for approval and a copy provided to the Executive Officer. However, Board Members should recognize that even when representing themselves as “individuals,” their positions might be misconstrued as that of the Board and a BCE Member must use their best effort to continue to clarify this separation.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 4. Board Officers & Committees

### **Officers of the Board**

(§3 Initiative Act)

The Board shall elect at the **first last** meeting of each new year a Chair, Vice Chair and Secretary from the Members of the Board as specified in the Initiative Act., **so that they can be mentored by the incumbent prior to assuming office which commences at the first meeting of the year.**

### **Officer Vacancies**

(Board Policy)

The chain of administrative protocol starts with the Chair. If unavailable or recused, the Vice-Chair shall take over the duties of the Chair until the Chair returns. If the Vice-Chair is unavailable, the Secretary shall take over the duties of the Chair until the Vice Chair or Chair returns.

If the Chair becomes unable to fulfill their duties, the Vice-Chair will become the Chair until the next scheduled election. The new Chair may appoint their choice of Vice-Chair. The Secretary will remain the same. If any other officer (Vice-Chair or Secretary) becomes unavailable, the Chair shall appoint a replacement until the next general elections.

### **Communication Between Officers**

(Board Policy)

The Chair, Vice-Chair and Secretary must have timely and effective communication for the efficient operation of the BCE. Failure to respond to email correspondences or failing to address specific topics is inconsistent with professionalism and if a repetitive failure to communicate persists, this will be discussed in a meeting with that officer the Chair and EO to resolve the concern. If all parties agree that communication cannot be resolved, ~~the~~ **Chair any Board Member** may agendize the ongoing concern and, if necessary, call for a special election at the next full Board Meeting.

### **Committee Appointments**

(Board Policy)

The Chair shall ~~establish~~ **nominate Board Members for** committees., ~~whether standing or special, as he or she deems necessary. Or~~ The Chair **and Vice Chair** shall establish committees, whether standing or special., ~~as he or she deems necessary.~~

The composition of the committees and the appointment of the Members shall be determined by the Board Chair **and vice chair**. The Chair may consult with the Vice Chair or Secretary and the Executive Officer. **The chair should attempt to refrain from serving on multiple committees unless no other**

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

*member is available to serve.* All conversations must be consistent with Bagley Keene Open Meeting Act Restrictions which mandate that no more than two Members can actively discuss Board business.

### **Standing Committees** (Board Policy)

The Board has three standing committees:

- 1. Licensing, Continuing Education, and Public Relations Committee**  
The Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses. The Committee also develops strategies to communicate with the public through various forms of media.
- 2. Enforcement and Scope of Practice Committee**  
The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the Board's enforcement activities.
- 3. Government Affairs and Strategic Planning Committee**  
The Committee proposes and reviews policies, procedures, to address audit and sunset review deficiencies.

The Committee works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.

The Committee shall monitor individual line item expenditure and look for anomalies with a three-year pattern for purposes of preparing a budget change proposal to correct either an under or over expenditure.

The committee will review and recommend positions on legislative bills that affect the Board. The guidelines for identifying, tracking, analyzing, taking positions on proposed legislation are set forth in the BCE "Legislative Bill Tracking" manual.

The Committee oversees all administrative issues regarding BCE operations.

This Committee develops draft strategic plans and monitors the Board's progress in achieving goal and objectives. The Board must develop a strategic plan once every three years. The Committee must report progress on the strategic plan annually beginning in 2013.

## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

### Committee Meetings (Board Policy)

Each of these committees is comprised of at least two Board Members. Staff provides technical and administrative input and support. The committees are an important venue for ensuring that staff and Board Members share information and perspectives in crafting and implementing the Board's objectives and goals.

The Board's committees allow Board Members, the public, stakeholders and staff to discuss and conduct problem solving on issues related to the Board's objective and goals.

The committees are charged with coordinating Board efforts to reach the Board's objective and goals and achieving positive results on its performance measures.

The Board Chair designates one member of each committee as the committee's chairperson. **The Board Chair shall notify board members of their appointment as chairperson and receive acceptance from the member prior to notifying the full board and public. The Board Chair shall likewise notify committee chairpersons of change in position, prior to removing or replacing them as chairperson.**

The committee chair will work with the Executive Officer and the Board Chair to set the committee's goals and meeting agendas. The Committee Chair coordinates the committee's work, ensures progress toward the Board's priorities, and presents reports at each meeting.

During any public committee meeting, comments from the public are encouraged, and the meetings themselves are frequently public forums on specific issues before a committee. Committees shall comply with the Bagley-Keene Open Meeting Act.

### Attendance at Committee Meetings (Board Policy and Government Code Section 11122.5 et seq.)

If a Board Member wishes to attend a meeting of a committee of which he or she is not a member, the Board Member must notify the committee chair, Executive Officer, and Board Chair.

Board Members who are not members of the committee which is meeting cannot sit at the dais, make any comment, or ask or answer any questions. Only committee members may vote during the committee meeting.

The Board's legal counsel works with the Executive Officer to assure that all meetings meet the requirements for a public meeting and are properly noticed.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

Whenever possible, the Board's legal counsel shall attend committee meetings.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 5. General Operating Procedures

### **Board Member Addresses**

(Board Policy)

~~Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority of the individual Board Member.~~ **Board Member home addresses and personal telephone numbers are considered confidential. However, this information may have to be disclosed in response to a subpoena or records request.** A roster of Board Members is maintained for public distribution on the Board's web site using the Board's address and telephone number.

~~Request for DMV Confidential Status may be submitted on the completed DMV form to the Executive Officer, who will sign the form~~

### **Board Member Written Correspondence and Mailings**

(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board Member in his or her official capacity must be approved by the Board Chair and Executive Officer. The Executive Officer will reproduce and distribute the document and a copy in a chronological file.

### **Request to Access Licensee or Applicant Records**

(Board Policy)

Board Member shall not access a licensee's, or applicant's file without the Executive Officer's knowledge and approval. Records or copies of records shall not be removed from the Board's office at any time.

### **Communications with Other Organizations & Individuals**

(Board Policy)

All communications relating to any Board action or policy to any individual or organization shall be made only by the Chair of the Board, his or her designee, or the Executive Officer.

The Board has an "Ambassador at Large" program allowing Board Members to speak at public or private functions.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

Any Board Member who is contacted by any of the above should inform the Board Chair or Executive Officer of the contact immediately.

All correspondence shall be issued on the Board's standard letterhead and will be disseminated by the Executive Officer.

### **Press Statements and Contacts (Board Policy)**

Members shall direct press inquiries to the Executive Officer who will work in conjunction with DCA Public Affairs Office to respond. Only the Board Chair or Executive Officer, or one of their designees are authorized are authorized to publicly represent the Board to the press or news agents, reporters or agencies.

### **Business Cards (Board Policy)**

Business cards will be provided to each Board Member with the Board Member's name and official BCE e-mail address. The business cards will provide the Board office address, telephone and fax numbers, and website address.

Board Members' personal business cards shall not reference or list their appointment as a BCE Member.

### **BCE Identification Cards (Board Policy)**

BCE Members shall be issued an identification card from BCE that states they are appointed, commissioned and duly sworn, and if an officer of the BCE, that shall be stated.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 6. Board Administration & Staff

### **Executive Officer** (§3 Initiative Act)

The Board employs an Executive Officer and establishes his/her salary in accordance with the State law.

The Executive Officer is responsible for the financial operations and integrity of the Board, and is the official custodian of records. The Executive Officer is an “exempt” employee, who serves at the pleasure of the Board, and may be terminated, in accordance with the provisions of the Bagley-Keene Open Meeting Act.

### **Executive Officer Evaluation** (Board Policy)

At the first Board meeting of each fiscal year or at any time thereafter as determined by the Board, the Board evaluation of the Executive Officer is presented by the Board Chair, or his/her Board Member designee, during a closed session. Board Members provide information to the Chair on the Executive Officer’s performance in advance of this meeting. If the Board members have concerns with an Executive Officer’s performance, the Board members should consult with the Deputy Director of DCA’s Legal Affairs Office.

### **Board Administration** (Board Policy)

Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer as an instrument of the Board. The Executive Officer supervises and administers the staff. Board Members shall not directly discipline, reprimand, or otherwise supervise staff.

### **Board Staff** (§4 Initiative Act)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by myriad civil service laws and regulations and often by collective bargaining labor agreements.

Because of this complexity, the Board delegates this authority and responsibility for management of the civil service staff to the Executive Officer as an instrument of the Board.



## BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Board Members may express any staff concerns to the Executive Officer but shall refrain from involvement in any civil service matters. Board Members shall not become involved in the personnel issues of any state employee.

### **Board Budget** (Board Policy)

One member of the Board, designated by the Board Chair, and the Executive Officer or the Executive Officer's designee will attend and testify at legislative budget hearings to communicate all budget issues to the Administration and Legislature. The Executive Officer or his/her designee shall communicate regularly with DCA's Budget Office and report all issues to the Board.

### **Strategic Planning** (Board Policy)

The Board must develop a strategic plan in the year of the Joint Sunset Review Oversight Hearings. ~~once every three years, beginning in 2013~~. The Government Affairs Committee shall have overall responsibility for the Board's strategic planning process and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

### **Periodic Fee Audit** (Board Policy)

The Board shall periodically conduct a fee audit to determine if the revenue earned from current fees is sufficient to maintain the Board's reserve and solvency into the future. The Board shall conduct the fee analysis every three to five years using the 2017 methodology. Finally, at the Board Meeting proceeding the completion of the report, the results of the fee audit shall be provided to the Board for review.

# BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

## CHAPTER 7. Other Policies & Procedures

### **Various Other Tasks and Responsibilities**

#### **(Board Policy)**

Promotion of public safety is enhanced with goal orientation and focus. The Board shall also assign Board Members and/or staff to serve as liaison to the following:

- FCLB
- NBCE
- Ambassador at Large Presentations
- Lectures
- Attend Meetings of Other Regulatory Boards
- Meetings with Colleges and State Associations

This process shall be overseen by the Vice-Chair in consultation with the Chair.

### **Board Member Disciplinary Actions**

#### **(Board Policy)**

If a Board Member violates any provision of the Administrative Procedure Manual, the Chair will either telephone or write to that Member identifying the concern. If the matter is not resolved, ~~the Chair~~ any Board Member may agendize the matter at the next Board meeting.

If the violation concerns the Chair's conduct, the Vice-Chair will handle the matter until it is resolved.

### **Terms and Removal of Board Members**

#### **(§2 Initiative Act)**

The Governor shall appoint the Members of the Board. Each appointment shall be for the term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each Member shall serve until his successor has been appointed and qualified or until one year has elapsed since the expiration of his term whichever first occurs.

No person shall serve more than two consecutive terms on the Board nor be eligible for appointment thereafter until the expiration of four years from the expiration of such second consecutive term, effective January 2, 1974. The Governor may remove a Member from the Board after receiving sufficient proof of the inability or misconduct of said Member.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

### **Resignation of Board Members (Government Code Section 1750 (b))**

In the event that a Board Member chooses to resign, a letter shall be sent to the Governor's Office with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

### **Resignation of Board Members (Board Policy)**

In the event that a Board Member chooses to resign, the Board Member or the Executive Officer should notify the Governor's Office of Appointments.

### **Conflict of Interest (Government Code Section 87100)**

Board Members are responsible for complying with the California Political Reform Act (Government Code Sections 81000-91014).

Board Members must file a Statement of Economic Interest (Form 700) upon appointment to office, upon leaving office, and on an annual basis in between.

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.

Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision.

Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

### **Contact with Licensees and Applicants (Board Policy)**

Board Members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all correspondence, contacts or inquiries to the Executive Officer.

### **Contact with Respondents (Board Policy)**

Board Members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

Board Members should not discuss pending disciplinary matters with any parties to such matters, including the respondent, his/her attorney, BCE enforcement staff, and DAGs. If a Board Member is contacted by a party to a disciplinary matter, the Board Member should refer the individual to the Executive Officer. When in doubt, the Board Member should seek advice from the Executive Officer or the Board's Legal Counsel.

### **Service of Legal Documents (Board Policy)**

If a Board Member is personally served as a party in any legal proceeding related to his or her capacity as a Board Member, he or she must contact the Executive Officer immediately.

### **Serving as an Expert Witness (Executive Order 66.2)**

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

1. Using the prestige or influence of a State office for the appointee's private gain or advantage.
2. Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.
3. Using confidential information acquired by virtue of State involvement for the appointee's private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

### **Request for Grants (Board Policy)**

All requests for funding allocations to Board specific projects shall be approved by the Board during a regularly scheduled meeting.

Any requests for grants outside of Board business or projects must be made by the Executive Officer at the Chair's direction. If a Board Member makes an individual request, a copy of the request shall be forwarded to the Executive Officer as soon as possible.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

The mechanism for receipt, management, and dispersal of funds shall be pre-arranged and approved by the Board.

### **Gifts from Licensees and Applicants (Board Policy)**

Gifts of any kind create potential obligations or conflicts of interest and should therefore be declined or reported pursuant to the California Political Reform Act.

### **Ex Parte Communications (Government Code Section 11430.10 et seq.)**

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board Members are prohibited from an ex parte communication with Board enforcement staff, a licensee or a respondent while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board’s legal counsel.

If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

If a Board Member believes that he or she has received an unlawful ex parte communication, he or she should contact the Executive Officer and the Board's legal counsel.

### **The Honoraria Prohibition (Government Code Section 89503) (FPPC Regulations, Title 2, Division 6)**

As a general rule, Members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A Member of a state Board is precluded from accepting an honorarium from any source, if the Member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, Members should report all offers of honoraria to the Board Chair so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

### **Board Member Orientation (Business & Professions Code Section 453 and Board Policy)**

B&P Section 453 requires every newly appointed Board Member, within one year of assuming office, to complete a training and orientation program offered by DCA regarding, among other things, his or her functions, responsibilities, and obligations as a Member of a Board.

Per DCA Legal Opinion, Board Member Orientation Training is required for newly appointed Board Members and reappointed Board Members as every appointment is considered a new appointment.

It is the BCE's policy that new Board Members shall, to the extent possible complete the orientation training within six months of assuming office.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

Additional training shall be provided at the request of the Board or individual Board Members.

### **Ethics Training**

**(Government Code Section 11146)**

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term.

### **Sexual Harassment Prevention Training**

**(Government Code Section 12950.1)**

Board Members are required to undergo sexual harassment prevention training and education once every two years. Staff will coordinate the training.

### **Board Member Onboarding and Orientation**

**(Board Policy - 2013 BCE Strategic Plan)**

Within six months of initial appointment, each new Board Member shall travel to the Board office in Sacramento for orientation and onboarding meetings with the Executive Officer and one Board Member (as assigned by the Board Chair). Prior to the orientation, the new Board Member shall review their Board Member binder (provided by Board staff), and prepare questions for discussion. Items to be covered in this meeting include introductions to Board staff, review of staff roles and responsibilities, administrative processes, historical information about the Board, collaboration between staff and Board Members and overall expectations. The Executive Officer shall notify the Board Chair once the meeting has occurred.

### **Injury to a Board Member**

**(Labor Code Section 4600)**

If you are or believe you may have been injured, notify the Executive Officer. Injuries are required to be reported and this assists the Executive Officer in remaining compliant with the Labor Code Rules and Regulations. The reported injury will be reviewed by State Compensation Insurance Fund. They have the option to either accept or deny that claim. If the claim is denied, and you believe you have a legitimate claim, you should consult with an attorney. If the claim of injury is accepted by the insurance carrier, then treatment is provided in accordance with the California Labor Code (L.C.). Specifically: L.C. 4600(a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatuses, including orthotic and prosthetic devices and services, that is reasonably required to cure or relieve the injured worker from the effects of his or her injury shall be provided by the employer.

## **BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL**

If You Have Additional Questions: Ask the Executive Officer or Staff Counsel. You can also call the Department of Industrial Relations, Division of Workers Compensation at (800) 736-7401 or go to the DWC web site at <http://www.dir.ca.gov/dwc>.

### **Addendums**

Applicable provisions of the following:

- Executive Order 66-2
- Government Code
- State Administrative Manual
- Bagley-Keene Open Meeting Act
- Business and Professions Code
- Initiative Act
- Labor Code





**Agenda Item 16**  
**August 9, 2018**

**Review, Discussion and Possible Action Regarding Board Member Committee Assignments**

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**Purpose of the item**

The Board will have the opportunity to discuss new Committee Assignments.

**Action(s) requested**

No action required

**Background**

Currently, the Board Member Administrative Procedures Manual states:

*The Chair shall establish committees, whether standing or special, as he or she deems necessary.*

*The composition of the committees and the appointment of the Members shall be determined by the Board Chair. The Chair may consult with the Vice Chair or Secretary and the Executive Officer. All conversations must be consistent with Bagley Keene Open Meeting Act Restrictions which mandate that no more than two Members can actively discuss Board business.*

Prior to the June 5, 2018 meeting, Governor Brown appointed Dr. Thyonne Gordon to the Board. At the June 5, 2018 meeting, Mr. Ruffino requested that he be placed on the Government Affairs Committee. Due to these actions, the Board Chair has reestablished the committees as follows:

<b>Licensing &amp; CE</b>	<b>Enforcement</b>	<b>Government Affairs &amp; PR</b>
Dionne McClain, DC, Chair	Sergio Azzolino, DC, Chair	Thyonne Gordon, Ph.D., Chair
Heather Dehn, DC	Frank Ruffino	Corey Lichtman, DC

**Attachment(s)**

- Board Member Committee Assignment Sheet

## Committee Assignments

Revised July 2018

<b>Committee</b>	<b>Members</b>	<b>Responsibilities</b>
<b>Licensing &amp; Continuing Education</b>	Dionne McClain, D.C., Chair Heather Dehn  <i>Staff Liaison: Natalie Boyer</i>	Proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses.
<b>Enforcement</b>	Sergio Azzolino, D.C., Chair Frank Ruffino  <i>Staff Liaison: Andreia McMillen</i>	Proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the Board's enforcement activities.
<b>Government &amp; Public Affairs</b>	Thyonne Gordon, Ph.D., Chair Corey Lichtman, D.C.  <i>Staff Liaison: Andreia McMillen</i>	<p>Proposes and reviews policies, procedures, to address audit and sunset review deficiencies.</p> <p>Works directly with the Executive Officer and staff to monitor budget expenditures, trends, and the Contingent Fund levels.</p> <p>Reviews and recommends positions on legislative bills that affect the Board.</p> <p>Oversees all administrative issues regarding BCE operations.</p> <p>The Committee also develops strategies to communicate with the public through various forms of media.</p> <p>Develops draft strategic plans and monitors the Board's progress in achieving goals and objectives.</p>



**Agenda Item 17  
August 9, 2018**

**Review, Discussion and Possible Action Regarding Distribution of Board Meeting Materials**

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**Purpose of the item**

The Board will receive an overview of the staff board meeting preparation procedures.

**Action(s) requested**

No action required

**Background**

This agenda item was added at the request of Mr. Ruffino. At the June 5, 2019 meeting, Mr. Ruffino suggested that staff provide Board Members with meeting packets at least two weeks in advance of Board Meetings.

Staff utilizes a check list to prepare for Board Meetings. Currently, preparation for Board Meetings begin sixty days prior. The preparation includes initiating contract negotiations for a hotel, when necessary, and confirming arrangements for a meeting venue.

- 21 days prior - Staff begins drafting the agenda and gathering materials to present as agenda exhibits.
- 15-20 days prior - Draft agenda is submitted to the Board Chair, Secretary, and legal counsel for review and approval. Once the agenda is approved, staff begins finalizing memos and materials for the meeting.
- 11 days prior - Approved agenda is posted on the website and sent to all interested parties on the Board's mailing list.
- 7-8 days prior - Completed Board Meeting packets are mailed out to Board Members in preparation for the meeting.

**Actions that can delay completion of Board Meeting materials:**

- Delayed or rescheduling of committee meetings
- Delayed approval of draft agenda
- Delays in receiving materials from external entities (Budgets, legal, legislature, etc.)

**Attachment(s)**

- Staff Public Board Meeting Checklist

## **Public Board Meeting Checklist:**

**Meeting Date:**

**Petitioners Yes or No:**

### **Beginning at least 60 days before meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Confirm Meeting location with Executive Officer	
	Begin searching for venue event space, first look for State owned buildings, if not available look for Hotels	
	Initiate Contract for Hotels, to include block of rooms for 10-11 people	
	Email location of the event space to board members, legal, Board staff and DCA's communication office	

### **Beginning at least 21 days before meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Send email/outlook to DCA staff, BCE Board members and Legal	
	Begin working with Executive Officer/Board Chair, Secretary on "draft" agenda	
	Standard agenda items to should include call to order, approval of minutes, future meeting date(s), public comment for items not on the agenda, future agenda items, closed session & adjournment	
	If teleconference meeting agendas should include the board address, location of each BD member (confirm address)	

### **15-20 days before meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Submit "draft" agenda to management, then to EO	
	Send "draft" agenda for approval to BD Chair, Secretary, DCA Legal & cc: Senior counsel, which include agendas form previous committee meetings.	
	20 days prior to meeting send email to staff requesting information and documents relating to exhibits for meeting packets w/ deadline date (15 days prior to meeting)	
	Confirm meeting room reservation, request flags & set up time	
	Submit full meeting packet to manager then AEO for review & approval, if instructed by AEO submit to EO for additional approval	

### **11-14 days before meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Email the "approved" agenda to the BCE webmaster with instructions to post to the website 10 days prior to the meeting and send email blast 10 days prior to the Board meeting.	

	( approved by BD chair, Secretary, DCA legal) If webcaster is unavailable, send agenda to DCA's web team no later than 3:00 p.m.	
	Webmaster will also update the BCE's social media	
	Begin preparing board packets copies for Board members, staff, DCA and file copy	

**10 days before meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Webmaster to post agenda on website, which should include agendas from previous committee meetings. Email blast and mail hard copies to interested parties.	
	Email approved Agenda to BD members, all BD staff & Legal Counsel	
	Board meeting Liaison to contact DCA's Communications to check on assigned webcaster (request needs to be submitted prior to 3:30 to DCA)	
	Mail packets Overnight using GSO to Board members	
	Distribute hard copy packets to Board members, Board & Bureau Relations and legal.	
	Email electronic copy of materials to Board members and DCA staff	
	Provide pdf completed package to webmaster to post on website	
	Follow-up on Board member travel accommodations	

**2-3 days before the Board meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Make copies of meeting materials for public	
	Begin packing necessary materials for meeting	
	If teleconference- email guest registry, opening statement for chair, roll call sheet and agenda	
	Send board meeting materials and equipment using GSO to the location (if applicable)	

**PROVIDE PACKET'S, EMAIL PACKETS TO & ATTENDING?**

**BOARD MEMBER'S**

- S. Azzolino, D.C.
- H. Dehn, D.C.
- T. Gordon, PhD
- C. Lichtman, D.C.
- D. McClain, D.C
- F. Ruffino
- Vacant

**DCA EX & LEGAL**

- Christopher Castrillo
- Kenneth Swenson
- Email B&B relations

**BCE -STAFF**

- N. Boyer
- V. James
- M. McCarther
- A. McMillen
- R. Puleo
- B. Rust
- D. Van Allen

Email Materials to BD

Completed by: Staff \_\_\_\_\_

Approved by \_\_\_\_\_

## ***Checklist for Meeting Materials & Equipment***

Begin 2 days before meeting --- \_\_\_\_\_

Pack the meeting case to include the following:

- Guest register (*print from S: drive*)
- Opening Statement for Chair (*print from S: drive*)
- Roll Call sheet (*print from S: drive*)
- Continuing education/ Attendance Certificate (*print from S: drive*)
- Public packets (minimum of 10)
- Copies of Agenda only (minimum of 10)
- Supplemental folders – **if any**
- Additional handouts for the public – **if any**
- Nameplates (*should be in case already*)
- Gavel (*should be in case already*)
- Roberts Rules of Order (*should be in case already*)
- Regulations; Initiative Act; Disciplinary Guidelines (*should be in case already*)
- Door sign & Tripod (*should be in case already*)
- Camcorders, mixer, mic's, laptop, extension cord (*should be in case already*)
- Digital Voice recorder, Kodak Camera (*should be in case already*)
- Scotch tape; stapler; markers; pens and other desk supplies, **as needed**
- American and State Flags (request from vendor, possible pack)

**Following the Board Meeting:**

**Within 1 day following the meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Approved minutes of prior meeting, make recommended correction if applicable remove draft, submit to webmaster for posting	
	Review meeting notes to identify action items	
	Send email to EO, AEO, management, and all other staff present at the meeting, which identifies and assigns tasks to the appropriate person(s) and provides a due date for completion	
	As assignments from action items are received, compile the meeting materials into a packet	
	Follow-up with DCA's Communication Depart on webcast of meeting to be posted on BCE website	

**Within 5 days following the meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Complete BD Member's and EO Travel claims	

**Within 10 days following the meeting \_\_\_\_\_**

✓	Task	Date Completed & Initials
	Complete minutes of the meeting and submit to manager for review, then EO for final approval.	
	Upon receipt of final approved draft minutes to be forwarded to all Board Members for review	